

Notice of Allowability

Application No.

10/658,212

Examiner

Mohammed Hasan

Applicant(s)

LAWSON ET AL.

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2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/28/2004.
2. ☒ The allowed claim(s) is/are 9 - 25, 28 - 31.
3. ☒ The drawings filed on 09 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

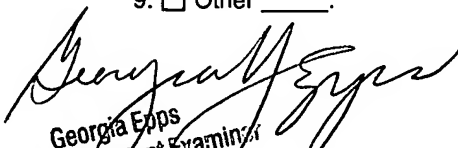
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Georgia Epps
Supervisory Patent Examiner
Technology Center 2820
Notice of Allowability

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark A. Lundgren on November 10, 2004.

Attorney agreed to cancel the claims 32 – 34 and agreed to amend the claims 28 and 29.

Claim 28 (amended) A dual band optical system, comprising:

a first imaging means, receptive of light of a first wavelength band, for forming a first image, and having a first annular aperture;

a second imaging means, receptive of a second wavelength band, for forming a second image, and having a second aperture , wherein the second aperture is contained within the first aperture; and

a focusing means, for adjusting focus of the first image and the second image, simultaneously; and

a dual band focus group, capable of adjusting focus in both the infrared and visible paths, simultaneously.

Claim 29 (amended) A dual band lens, having a visible optical path and an infrared optical path, comprising:

A dual-band focus group, comprising

an annular first infrared lens element having an inner radius, and

a circular first visible lens element, located within the inner radius of the annular infrared lens element;

a fixed infrared imaging group, comprising a plurality of fixed infrared lens elements; and

a fixed imaging, comprising a plurality of fixed visible lens elements;

wherein, the dual band focus group and the fixed infrared imaging group are placed along the infrared optical path, and wherein the dual and focus group and the fixed imaging group are placed along the visible optical path; and

a dual band focus group, capable of adjusting focus in both the infrared and visible paths, simultaneously.

Allowable Subject Matter

2. Claims 9 – 25, and 28 – 31 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed

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features as presented in independent claims 9, 25, 28, 29 and 31, for example which include a dual band optical system the second optical subsystem transmits a second band of optical wavelengths not transmitted by the first optical system (claim 9); the first optical subsystem further comprises a first variator and a first compensator group and the second optical subsystem further comprises a second variator group in contact with the first variator group and second compensator group in contact with the first compensator group and the dual optical system further comprises a zoom mechanism capable of moving the first and the second variator groups and the first and second compensator group (claims 25 and 31); and a dual band focus group, capable of adjusting focus in both the infrared and visible paths, simultaneously (claim 28 and 29).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 10, 2004



Georgia Epps
Supervisory Patent Examiner
Technology Center 2800